

EXHIBIT H

Page 1

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 D.L.; K.S.F.; and K.B.,
5 by and through her parent
6 and next friend H.B.,

7 Plaintiffs, Case No. 22-cv-00838
8 vs.

9 MICHIGAN DEPARTMENT OF Hon. Robert J. Jonker
10 EDUCATION, Mag. Phillip J. Green

11 Defendant.

12 /

13 DEPOSITION OF DONQUARION L.D. LEWIS

14 Taken by the Defendant at 251 N. Rose Street,
15 Suite 200, Kalamazoo, Michigan, on Tuesday, March 5,
16 2024, commencing at 10:07 a.m.

17 APPEARANCES:

18 For the Plaintiffs: MS. ERIN H. DIAZ (P80388)
19 MR. MITCHELL D. SICKON (P82407)
20 DISABILITY RIGHTS MICHIGAN
21 4095 Legacy Parkway
22 Lansing, Michigan 48911
23 517-487-1755

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31 (Appearances Continued on Page 2.)

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1 APPEARANCES: (Continued)		1 Kalamazoo, Michigan
2 (via Zoom videoconference)		2 Tuesday, March 5, 2024
3 MS. JACQUELYN N. KMETZ (P83575)		3 At 10:07 a.m.
4 MI AECRES		4 COURT REPORTER: Sir, would you raise your
5 P.O. Box 705		5 right hand, please? Do you solemnly swear or affirm
6 Ludington, Michigan 49431		6 that the testimony you are about to give in this matter
7 231-794-2379		7 shall be the truth, the whole truth, and nothing but
8 For the Defendant: MS. KATHLEEN A. HALLORAN (P76453)		8 the truth, so help you God?
9 (via Zoom videoconference)		9 DONQUARION L.D. LEWIS: I do.
10 MS. TICARA D. HENDLEY (P81166)		10 DONQUARION L.D. LEWIS,
11 MS. AMANDA E. ZACK (P82326)		11 HAVING BEEN CALLED BY THE DEFENDANT, AND AFTER HAVING
12 Michigan Department of Attorney		12 BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
13 General Health, Education &		13 FOLLOWS:
14 Family Division		14 MS. DIAZ: And just as we discussed off the
15 P.O. Box 30758		15 record, Plaintiff would like 30 days following the
16 Lansing, Michigan 48909		16 receipt of the transcript to review and make any edits
17 517-335-7603		17 to the transcript or mistakes under 30(e).
18		18 MS. HALLORAN: No objection.
19		19 MS. DIAZ: Thank you.
20		20 EXAMINATION
21		21 BY MS. HALLORAN:
22 Q. Could you please state your full name for the record?		22 Q. Could you please state your full name for the record?
23 A. Donquarion Lamar De'Andre Lewis.		23 A. Donquarion Lamar De'Andre Lewis.
24 Q. Could you spell your first and your last name, please?		24 Q. Could you spell your first and your last name, please?
25 A. D-o-n-q-u-a-r-i-o-n. Last name, L-e-w-i-s.		25 A. D-o-n-q-u-a-r-i-o-n. Last name, L-e-w-i-s.
	Page 3	Page 5
1 TABLE OF CONTENTS	PAGE	1 Q. And can you spell your middle name for me?
2 WITNESS:	PAGE	2 A. Lamar, L-a-m-a-r, and De'Andre, D-e-'-A-n-d-r-e.
3 DONQUARION L.D. LEWIS	4	3 Q. Mr. Lewis, my name is Kate Halloran, I am an attorney
4 Examination by Ms. Halloran	4	4 from the Attorney General's Office. I represent the
5 Examination by Ms. Diaz	91	5 Michigan Department of Education. Have you ever been
6 Re-Examination by Ms. Halloran	105	6 deposed before?
7 EXHIBITS:	MARKED	7 A. What's that mean?
8 Deposition Exhibit 1,	20	8 Q. Have you ever been to something similar where you have
9 Review of Existing Evaluation Data (REED)		9 given testimony before a court reporter?
10 and Evaluation Plan, 9/28/2020		10 A. Like in here, yeah.
11 Deposition Exhibit 2,	53	11 Q. What matter was that for?
12 Request for a State Complaint Investigation,		12 A. A school hearing.
13 October 15, 2018		13 Q. Was that your Due Process Hearing with ALJ St. John?
14 Deposition Exhibit 3,	57	14 A. No. I just remember going to a hearing. I think it
15 Complaint Decision, March 23, 2021		15 was my sophomore year. And we had to meet at like the
16		16 school headquarters.
17 Deposition Exhibit 4,	60	17 Q. Was it for a complaint that you brought?
18 Decision and Order, October 13, 2022		18 A. No. It was for a fight outside of school.
19 Deposition Exhibit 5,	87	19 Q. So just for today, if you need more time to answer a
20 First Amended Complaint, Jury Demand		20 question, feel free to ask to do so.
21		21 A. Okay.
22		22 Q. If you need a break, feel free to ask for one. I may
23		23 just have you finish the question or the line of
24		24 questioning that I am asking before we take a break,
25		25 but we can absolutely take a break. I just want to

<p style="text-align: right;">Page 38</p> <p>1 class because you were frustrated with the popcorn 2 reading; is that right? 3 A. Yeah. 4 Q. Any other reason why you would leave class when it was 5 in person? 6 A. If I get called out, or if I am joking with a student 7 and the teacher call us out, or if I been having a bad 8 day and like wasn't listening to the teacher, he will 9 call me out. My World History teacher, he used to call 10 me out and try to make me read in front of the whole 11 class as far as discipline in the back, and I would 12 just walk out his class. 13 Q. How often would you leave classes when it was in 14 person? 15 A. I didn't really leave leave a lot. Like if I get 16 upset. I asked to leave a lot. I would rather be in a 17 different work environment, or rather be alone. 18 Q. So you would ask to leave the classroom to get a 19 different environment? 20 A. Uh-huh (affirmative). I did used to get sent out for 21 playing. 22 Q. What's that? 23 A. Horseplaying. 24 Q. Oh, okay. What do you mean by horseplaying? 25 A. Talking with my friends, not paying attention.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes. 2 Q. How about your junior year? Any suspensions that year 3 that you can remember? 4 A. My sophomore year I got expelled for four months, and I 5 had to meet a teacher at the downtown library to keep 6 up my grades to be on the football team the next school 7 year. 8 Q. And you said that was for a period of three months? 9 A. Four. 10 Q. What happened at school that you received that 11 expulsion? 12 A. It was outside of school. Me and my friends was 13 fighting on another school ground after school hours. 14 It's some adults there got to shooting. So they said 15 since we started the fight and was up there fighting 16 they had gave us ten days. And then after the ten days 17 it was that they had told us it was five. And then 18 they told us it was three, and we had that hearing 19 meeting I said I went to. 20 And then they had us do a meeting where the 21 boys we fought, we had to meet up, shake hands and drop 22 it to still go to, if we wanted to still be in school 23 and be a part of the football team. So we did that. 24 And then they still turned around and said just beat it 25 in the whole school year. I think I met up with her</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. When you got in trouble at school how would the high 2 school put that in writing? What were those called? 3 A. A referral, a suspension letter. 4 Q. How many referrals did you get say your freshman year? 5 Do you remember? 6 A. No. They different 'cause I would say I think you get 7 a referral like if you get sent to the SRC Room. And 8 then, like you get suspended for different type of 9 referrals. Then they got in-house suspensions where 10 you sit in AGA all day and do your work. They got them 11 type of referrals. 12 I probably got a lot of referrals, 'cause I 13 did, I was in AGA a lot, and I used to get suspended 14 for horseplaying in the hallway with my friends. 15 Q. Do you remember what year of school it was that you 16 would get suspended for horseplay with your friends? 17 A. My tenth grade year I did a lot of horseplaying. 18 Q. Do you know how many days you were suspended? 19 A. When they suspend you they give you ten days. 20 Q. Did it happen more than once? 21 A. Yeah. 22 Q. How many times? 23 A. School year, five. 24 Q. And this is just your sophomore year you think, 25 correct?</p>	<p style="text-align: right;">Page 41</p> <p>1 two times a week every Tuesday and Thursday. 2 Q. Did you receive grades for that time? 3 A. Yes. She kept track of everything for me. She will 4 bring me the work I had to do. It was packets of work 5 that I do for every class. But the hours we would be 6 down in the library, we would to most of it and she 7 will send me with some stuff to do. And then when I 8 meet back with her I return that and she will give me 9 something else. 10 Q. Would she help you with the work? 11 A. Yeah. She was a second teacher in the classrooms. 12 Q. Did you like learning that way, one-on-one? 13 A. Yeah. I seen her when I was in school too. She was in 14 some of my classes. I didn't really talk to her a lot, 15 but when we was down at the library I got to talk to 16 her a lot. She really helped me a lot. And I kept 17 talking to her when I got back to school. She kept up 18 with me. 19 I was able to -- I think I passed all my 20 classes with her. If not all, four out of five. 21 Q. Did you agree with the punishment that you received for 22 fighting outside of school? 23 A. Yeah. 24 Q. So you didn't file a Complaint with the State about the 25 punishment that you received?</p>

<p style="text-align: right;">Page 42</p> <p>1 A. No.</p> <p>2 Q. Besides the suspensions for horseplay with your friends 3 and this fight outside of school, did you receive any 4 other suspensions that you can remember?</p> <p>5 A. I probably got in about, I want to say I got into like 6 one real real fight at school that I got ten days for.</p> <p>7 Q. What happened in that?</p> <p>8 A. Me and this dude, we was playing in the cafeteria, and 9 I had like grabbed him. And then like once I got to 10 let him go, he got to falling to the ground. And once 11 I grabbed him he got to saying I put him to sleep. So 12 he was going around the school saying I put him to 13 sleep. And the principal had heard him, and I think I 14 believe I had another hearing for that. But I didn't 15 even try to, but I just took the consequences, 'cause 16 every time I did something they let my football coach 17 know. So I have to keep up with my GPA and stuff to be 18 on the football team. Because I think you had to have 19 a 2.0 to play. So I was able to keep up my grades 20 during football season.</p> <p>21 Q. And then when you had suspensions or your expulsion did 22 your football coach talk to you about it?</p> <p>23 A. Yeah. I had to sit out games and stuff.</p> <p>24 Q. How did that make you feel?</p> <p>25 A. Bad, but I did it to myself.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. How about your junior year?</p> <p>2 A. Junior year, it was probably over five.</p> <p>3 Q. And did those referrals stop when you had remote 4 school?</p> <p>5 A. Yeah.</p> <p>6 Q. Or did they continue?</p> <p>7 A. I would think they did, because I didn't really get 8 into trouble in school unless it was not doing the work 9 on the computer. But the referrals, I walk out if I am 10 having a hard time with the teacher like. We just keep going back and forth before I, 12 like the security guards, I remember my ninth grade 13 year I was so upset that they cleared out the classroom 14 because I didn't want to leave because I really feel 15 like I didn't do nothing to just be getting sent out. 16 But me and my Math teacher was going back and forth 17 when they cleared out the classroom, and the security 18 guards told me, like once they clear out the classroom, 19 they allowed to do whatever they want to you to get you 20 out the classroom. So after that I didn't have, I didn't want 22 the security guards to come get me. I just stepped out 23 myself.</p> <p>24 Q. Do you know if you had a behavioral plan as part of 25 your IEP at school?</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Would you say that playing football helped keep you 2 motivated and focused at school?</p> <p>3 A. Yeah, 'cause every weekday our coach did grade checks. 4 I think if you had got two F's you couldn't play, or 5 lower than a 2.0. So we had study halls during 6 football season too every day before workouts.</p> <p>7 Q. Were the study halls after school hours or during 8 school hours?</p> <p>9 A. After, with the football team.</p> <p>10 Q. Were you able to get a lot of work done in those?</p> <p>11 A. Yeah.</p> <p>12 Q. Besides the horseplaying in the hall and the fight in 13 school and then the one outside of school, any other 14 reasons why you were suspended or expelled?</p> <p>15 A. No.</p> <p>16 Q. Did you receive any referrals for leaving class?</p> <p>17 A. Yes.</p> <p>18 Q. How often did that happen your freshman year, would you 19 say?</p> <p>20 A. Probably over ten times.</p> <p>21 Q. How about your sophomore year? How many referrals for 22 leaving class?</p> <p>23 A. Probably over ten times.</p> <p>24 Q. Over ten times?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 45</p> <p>1 A. I believe so.</p> <p>2 Q. Do you know what could have been in your behavioral 3 plan?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Mr. Lewis, have you ever had a concussion?</p> <p>6 A. Yes.</p> <p>7 Q. When was that?</p> <p>8 A. My tenth grade year.</p> <p>9 Q. How did it happen?</p> <p>10 A. During football.</p> <p>11 Q. Did you get any treatment for it?</p> <p>12 A. I had went to the hospital and they had put me on 13 bedrest, but that's all I remember.</p> <p>14 Q. How long was the bedrest?</p> <p>15 A. For a week. And I couldn't play in the next week game.</p> <p>16 Q. Do you still have effects from that concussion?</p> <p>17 A. I believe I do, because when it's too sunny it hurt my 18 eyes. Or if it's too bright my eyes will get real 19 watery and just automatically want to close, and it get 20 to hurting my eyeballs and start going towards my head. 21 So I just keep my eyes closed.</p> <p>22 Q. Do you have any memory issues because of the 23 concussion?</p> <p>24 A. I don't believe so.</p> <p>25 Q. Do you get any treatment for those effects that you</p>

<p style="text-align: right;">Page 62</p> <p>1 A. It was confidential.</p> <p>2 Q. So you can't tell me any of the details of it?</p> <p>3 A. That is what I was told. No.</p> <p>4 Q. Do you know if the agreement is in writing yet?</p> <p>5 A. I am not sure.</p> <p>6 MS. HALLORAN: Erin, can he discuss on the 7 record the terms or is it confidential?</p> <p>8 MS. DIAZ: It is confidential.</p> <p>9 MS. HALLORAN: We will follow up after.</p> <p>10 MS. DIAZ: That's fine.</p> <p>11 BY MS. HALLORAN:</p> <p>12 Q. Mr. Lewis, you mentioned a couple different meetings 13 that you have had with the school and KPS regarding 14 your education, right?</p> <p>15 A. Yeah.</p> <p>16 Q. Did you ever have a meeting where your options for 17 graduation were discussed?</p> <p>18 A. Yes.</p> <p>19 Q. Were you given the option to complete a fifth year of 20 high school?</p> <p>21 A. Yes.</p> <p>22 Q. Were you given the option to attend summer school after 23 your senior year?</p> <p>24 A. No.</p> <p>25 Q. Were you given the option for a remedial program?</p>	<p style="text-align: right;">Page 64</p> <p>1 stay a fifth year.</p> <p>2 Q. Do you think staying a fifth year could have helped 3 improve your reading skills?</p> <p>4 A. Yes, because when I tried to go to college I had went 5 to Arizona, I believe it was August 1st. And then it 6 was, I think it was called Perigo [sic] Pumas. It was 7 a JUCO for football, but they had us doing online from, 8 it was basically how much money you want to pay. So I 9 was fittin' to go to a college in Snow College. It was 10 called Snow College. And when we had the meeting I 11 didn't know what I wanted to study for or nothing like 12 that.</p> <p>13 So my friend was helping that had went. And 14 then once he had chose out my classes and I was on the 15 Zoom with the teacher, and when it came time for me to 16 pronounce the classes I was in, I couldn't even 17 pronounce the classes I was in.</p> <p>18 So I feel like if I couldn't pronounce the 19 classes I was in, how is I am going to keep up with the 20 work? So I just went back home.</p> <p>21 Q. But you were ultimately the one who chose to graduate 22 in 2021, right?</p> <p>23 A. Yes.</p> <p>24 Q. And you just mentioned attempting college in Arizona.</p> <p>25 A. Uh-huh (affirmative).</p>
<p style="text-align: right;">Page 63</p> <p>1 A. I don't know what that is.</p> <p>2 Q. Any other options that were given to you besides your 3 normal classes that you have been enrolled in or your 4 typical classes you have been enrolled in?</p> <p>5 A. No. I know the fifth year I think they said that it 6 was going to be -- George was saying like the fifth 7 year they was going to be helping me. Like he was 8 going to make sure they was going to be helping me with 9 what I need.</p> <p>10 Q. And did you elect to take that fifth year?</p> <p>11 A. No.</p> <p>12 Q. You chose to graduate, right?</p> <p>13 A. Yes.</p> <p>14 Q. Why didn't you take the fifth year?</p> <p>15 A. 'Cause I didn't want to go back a fifth year and be 16 embarrassed. Well, I feel like I was going to be 17 embarrassed on not graduating with my class and not get 18 the help that I needed.</p> <p>19 How I was feeling at the time when I was on 20 the meeting, 'cause that's when they had gave me them 21 classes with like the 30 assignments, 'cause I chose to 22 keep moving forward. But I had chose to move forward 23 'cause I was working so hard to graduate keeping up 24 online, and I feel like they asked me when I was almost 25 at the finish line, they just give up my credits and</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. It was that Snow College; is that right?</p> <p>2 A. Yes. It was online. The college I was going to be 3 attending was called Snow College, but I think the JUCO 4 had they own thing going on.</p> <p>5 Q. And JUCO, were you going to play football for them?</p> <p>6 A. Yes.</p> <p>7 Q. How did you get in contact with JUCO?</p> <p>8 A. My friend.</p> <p>9 Q. Tell me more about that.</p> <p>10 A. JUCO is where like you got a low GPA and want to build 11 up to get your GPA right, build scholarships to go to a 12 bigger university.</p> <p>13 Q. Did you want to play football in college?</p> <p>14 A. Yes.</p> <p>15 Q. Did you ever attend any football practices at JUCO?</p> <p>16 A. Yes.</p> <p>17 Q. How many?</p> <p>18 A. Two weeks.</p> <p>19 Q. How did it go?</p> <p>20 A. It was going good.</p> <p>21 Q. But you ultimately dropped out because of your issues 22 registering at Snow; is that right?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Were you recruited to play football at any other 25 programs?</p>

1 BY MS. HALLORAN:

2 Q. Miss Diaz just asked you about a job that you were
3 hoping to get when you were in high school. What is
4 that job that you were hoping to get when you were in
5 high school?
6 A. I was hoping to continue doing EFE. I want to get into
7 housing. I know it's different type of housing, like
8 it's building, retail. I want to get into the
9 building, then like the property and stuff. That's
10 what I wanted to do in high school.

11 Q. What do you mean by the building?

12 A. Like it's different. People got they different parts
13 with the house. Like somebody that's building it, or
14 somebody that's just selling it.

15 In high school I was just focused on building
16 houses and stuff like that. But now after I build
17 something I want to be able to be the one selling it
18 and property and stuff like that.

19 MS. HALLORAN: No further questions.

20 MS. DIAZ: Okay. All done.

21 MS. HALLORAN: We are off the record.

22 (At 2:00 p.m., deposition concluded.)

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1 Errata Sheet

2 NAME OF CASE: D.L. vs MICHIGAN DEPARTMENT OF EDUCATION, Mag. Phillip J.

3 DATE OF DEPOSITION: 03/05/2024

4 NAME OF WITNESS: Donquarion Lewis

5 Reason Codes: 1. To clarify the record.

6 2. To conform to the facts.

7 3. To correct transcription errors.

8 Page ____ Line ____ Reason ____

9 From _____ to _____

10 Page ____ Line ____ Reason ____

11 From _____ to _____

12 Page ____ Line ____ Reason ____

13 From _____ to _____

14 Page ____ Line ____ Reason ____

15 From _____ to _____

16 Page ____ Line ____ Reason ____

17 From _____ to _____

18 Page ____ Line ____ Reason ____

19 From _____ to _____

20 Page ____ Line ____ Reason ____

21 From _____ to _____

22 Page ____ Line ____ Reason ____

23 From _____ to _____

24 _____

DONQUARION LEWIS

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1 STATE OF MICHIGAN)

2) SS

3 COUNTY OF KALAMAZOO)

4

6 I, certify that this transcript, consisting
7 of 107 pages, is a complete, true, and correct record
8 of the testimony of DONQUARION L.D. LEWIS, held in the
9 case on March 5, 2024.

10

11 I also certify that prior to taking this
12 deposition, DONQUARION L.D. LEWIS, was duly sworn to
13 tell the truth.

14

15 Dated: 3-14-2024

16

18 Carl M. DePerro, CSR-4284

19 My commission expires: 10-16-25

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1 CERTIFICATE OF WITNESS

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3

4 I, DONQUARION LEWIS, the witness in the foregoing
5 deposition, do hereby certify that I have read the
6 deposition transcript of my testimony taken on
7 _____, 2024, and that subject to the
8 corrections and clarifications attached hereto, it is a
9 true and correct transcript of my testimony as given in
10 the hereof entitled cause.

11

12

13

14

15 WITNESS

16

17

18 DATE

19

20 Subscribed and sworn to before me on

21 _____

22

23 _____

24 Notary Public in and for _____ County.

25 My commission expires _____.